UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,069	02/16/2001	Mark Alan Podracky	202586US8	4876

22850	7590	04/22/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
ZHONG, CHAD

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/784,069	PODRACKY, MARK ALAN
	Examiner	**Art Unit**	
	Chad Zhong	2152	.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
> THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 December 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-39</u> is/are pending in the application.

4a) Of the above claim(s) <u>36-39</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-35</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

FINAL ACTION

1.   This action is responsive to communications: Amendment, filed on 12/09/2004. This action has

been made final.

Claims 1-35 are presented for examination. In amendment A, filed on 12/09/2004

During the Interview 10/05/04, the Examiner agrees to withdraw finality based on a misunderstanding in

interview on 8/4/04 to give the applicant a second opportunity to respond to the office action.

Claims 1, 13, 24, 25 have been amended.

Double Patenting

        The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in
public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise
extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple ·
assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759
F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome
an actual or provisional rejection based on a nonstatutory double patenting ground provided the
conflicting application or patent is shown to be commonly owned with this application. See 37
CFR 1.130(b).
        Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.
A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

        Claim 1-35 provisionally rejected under the judicially created doctrine of double patenting over
claims 1, 29-32, 8, 10, 15, 16, 19, 20, 45, 46 of copending Application No. 09-784074, in view of Gilbert
US 2002/0069163. This is a provisional double patenting rejection since the conflicting claims have not
yet been patented.
        The subject matter claimed in the instant application is fully disclosed in the referenced
copending application and would be covered by any patent granted on that copending application since
the referenced copending application and the instant application are claiming common subject matter, as
follows: digital repository with trouble ticketing system operating on a third party platform, refer to chart
below for similarities between the two set of claims in the above co-pending application.
        Furthermore, there is no apparent reason why applicant would be prevented from presenting
claims corresponding to those of the instant application in the other copending application. See *In re
Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Present application 09-784069	Co-pending application 09-784074
1. A trouble ticketing system of a third party for supporting multiple service providers, each having end-users connected to a common network of the third party, comprising:

a digital repository populated with service provider entries including information about a first service provider of the multiple service providers and other information about a second service provider of the multiple service providers,
end-user entries including information about end-users of the first service provider and other information about end-users of the second service provider, each of the end-user entries being associated with at least one of the service provider entries, and
trouble ticket entries including trouble ticket information including trouble ticket status information, each of the trouble ticket entries being associated with at least one of an end-user entry and a service provider entry and corresponding to usage of the common network;

a processor; and

a computer readable medium encoded with processor readable instructions that when executed by the processor implement,

a common provisioning mechanism configured to provision end-users to the common network and to confirm that a selected service provider of the first service provider and the second service provider is a customer of the third party prior to provisioning an end-user of the selected service provider to the common network | 1. A network operations support system operated by a third party for supporting multiple service providers, each having end-users connected to a common network operated by the third party, the multiple service providers each being a customer of the third party, comprising:

a digital repository populated with entries including information about end-users of a first service provider of the multiple service providers and other information about end-users of a second service provider of the multiple service providers, and

entries including billing information corresponding to usage of the common network by end users of at least one of the multiple service providers;

a processor; and

a computer readable medium encoded with processor readable instructions that when executed by the processor implement,

a common interface mechanism configured to provide a single user interface for the first service provider and the second service provider to access entries in the digital repository, the first service provider having access to entries regarding the end-users of the first service provider and the second service provider having access to entries regarding the end-users of the second service provider

a common provisioning mechanism configured to provision end-users to the common network and to confirm that a selected service provider of the first service provider and the second service provider is a customer of the third party prior to provisioning an end-user of the selected service provider to the common network |

a common trouble ticket interface mechanism configured to provide a single user interface for the first service provider and the second service provider to access entries in the digital repository, the first service provider having access to trouble ticket entries associated with the first service provider and end-user entries associated with the first service provider and the second service provider having access to trouble ticket entries associated with the second service provider and end-user entries associated with the second service provider, and a trouble ticket tracking mechanism configured to access and maintain trouble ticket entries in the digital repository.	a customer billing mechanism configured to maintain billing information in the digital repository for the third party and to generate a bill for each of the multiple service providers having at least one end-user connected to the third party's common network based on usage of the common network by the service provider's respective end-users
	29. the digital repository is further populated with entries including trouble ticket status information; and computer readable medium is further encoded with processor readable instructions that when executed by the processor implement a trouble ticketing mechanism configured to access and maintain entries in the digital repository regarding trouble ticket information.
	32. wherein the trouble ticket status information includes at least one of a trouble ticket status indicator, and a service provider indicator

Present application 09-784069	Co-pending application 09-784074
2. The system of claim 1, wherein the common trouble ticket interface mechanism is further configured to provide secure access to the entries in the digital repository.	29. The system of claim 1, wherein: the digital repository is further populated with entries including trouble ticket status information; and the computer readable medium is further encoded with processor readable instructions that when executed by the processor implement a trouble ticketing mechanism configured to access and maintain entries in the digital repository regarding trouble ticket information.

Claim 2 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784074
3. The system of claim 1, wherein the common trouble ticket interface mechanism comprises a web portal.	8. The system of claim 1, wherein the common interface mechanism comprises a single web portal.

Claim 3 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784074
4. The system of claim 1, wherein the digital repository comprises a database.	10. The system of claim 1, wherein the digital repository comprises a database.

Claim 4 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784074
5. The system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services.	15. The system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services.

Claim 5 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784074

6. The system of claim 5, wherein the data transport services comprise at least one of Internet access, voice over IP, and video on demand.	16. The system of claim 15, wherein the broadband data transport services comprise at least one of Internet access, packetized voice, voice over IP, and video on demand.

Claim 6 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784074
7. The system of claim 1, wherein the common network comprises an open access network.	16. The system of claim 15, wherein the broadband data transport services comprise at least one of Internet access, packetized voice, voice over IP, and video on demand.

Claim 7 is rejected under obvious type double patenting, wherein open access network comprises Internet.

Present application 09-784069	Co-pending application 09-784074
8. The system of claim 1, wherein at least a portion of the common network comprises an Internet protocol network.	16. The system of claim 15, wherein the broadband data transport services comprise at least one of Internet access, packetized voice, voice over IP, and video on demand.

Claim 8 is rejected under obvious type double patenting, wherein open access network comprises Internet.

Present application 09-784069	Co-pending application 09-784074
9. The system of claim 1, wherein at least a portion of the common network is a hybrid fiber optic coaxial network.	19. The system of claim 1, wherein at least a portion of the common network comprises a hybrid fiber optic coaxial network.

Claim 9 is rejected under obvious type double patenting

Present application 09-784069	Co-pending application 09-784074
10. The system of claim 1, wherein the at least one of the multiple service providers comprises an Internet service provider.	20. The system of claim 1, wherein the at least one of the multiple service providers comprises an Internet service provider.

Claim 10 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784074
11. The system of claim 1, wherein at least a portion of the common network comprises a Data Over Cable Service Interface Specification network.	45. The system of claim 1, wherein at least a portion of the common network comprises a Data Over Cable Service Interface Specification network.

Claim 11 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784074
12. The system of claim 1, wherein at least a portion of the common network comprises a European Data Over Cable Service Interface Specification network.	46. The system of claim 1, wherein at least a portion of the common network comprises a European Data Over Cable Service Interface Specification.

Claim 12 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784074
13. A trouble ticketing method for supporting multiple service providers, each having end-users connected to a common network, comprising: populating a digital repository with service provider entries including information about a first service provider of the multiple service providers and other information about a second service provider of the multiple service providers, end-user entries including information about end-users of·the first service provider and other information about end-users of the second service provider, each of the end-user entries being associated with at least one service provider entry, and trouble ticket entries including trouble ticket information including trouble ticket status information, each of the trouble ticket entries being associated with at least one of an end-user entry and a service provider entry; providing a single user interface for the first service provider and the second service provider to access entries in the digital repository via a common trouble ticket interface mechanism, the first service provider having access to trouble ticket entries associated with the first service provider and end-user entries associated with the first service provider and the second service provider having access to trouble ticket entries associated with the second service provider and end-user entries associated with the second service provider; and accessing and maintaining trouble ticket entries in the digital repository.	29. The system of claim 1, wherein: the digital repository is further populated with entries including trouble ticket status information; and the computer readable medium is further encoded with processor readable instructions that when executed by the processor implement a trouble ticketing mechanism configured to access and maintain entries in the digital repository regarding trouble ticket information.

30. The system of claim 29, wherein the common interface mechanism is further configured to provide access to the trouble ticketing mechanism for at least one of the multiple service providers and network management personnel.

31. The system of claim 29, wherein the computer readable medium is further encoded with processor readable instructions that when executed by the processor implement an internal personnel access mechanism configured to provide internal personnel with direct access to the trouble ticketing mechanism.

32. The system of claim 29, wherein the trouble ticket status information includes at least one of a trouble ticket status indicator, a problem indicator, an impacted end-user indicator, and a service provider indicator. |

Claim 13 is rejected under obvious type double patenting.

As per claims 14, 15 are rejected for the same reasons as rejection to claims 2-3 above

As per claim 16-22, claims 16-22 are rejected for the same reasons as rejection to claims 5-11

respectively.

As per claim 24, claim 24 is rejected for the same reasons as rejection to claim 1 and 13 above.

Present application 09-784069	Co-pending application 09-784074
25. A computer program product, comprising: a computer storage medium; and a computer program code mechanism embedded in the computer storage medium for causing a processor to provide a common trouble ticketing capability supporting multiple service providers, each having end-users connected to a common network, the computer program code mechanism having, a first computer code device configured to maintain service provider information, end-user information, and trouble ticket status information in a database, the end-user information including an association between each end-user and at least one service provider, the trouble ticket status information including an association between each trouble ticket and at least one of an end-user and a service provider; a second computer code device configured to provide a common trouble ticket user interface for a first service provider and a second service provider to access entries in the database, the first service provider having access to trouble ticket status information associated with at least one of the first service provider and end-users of the first service provider and the second service provider having access to trouble ticket status information associated with at least one of the second service provider and end-users of the second service provider; and a third computer code device configured to maintain trouble ticket status information in the database.

a fourth computer code device configured to provision a first end user of the first service provider onto the common network, provision a second end user of the second service provider onto the common network, associate an end user entry corresponding to the first end user with a service provider entry corresponding to the first service provider in the digital repository and associate an end user entry corresponding to the second user with a service provider entry corresponding to the second service provider in the digital repository | 29. The system of claim 1, wherein: the digital repository is further populated with entries including trouble ticket status information; and the computer readable medium is further encoded with processor readable instructions that when executed by the processor implement a trouble ticketing mechanism configured to access and maintain entries in the digital repository regarding trouble ticket information.

30. The system of claim 29, wherein the common interface mechanism is further configured to provide access to the trouble ticketing mechanism for at least one of the multiple service providers and network management personnel.

31. The system of claim 29, wherein the computer readable medium is further encoded with processor readable instructions that when executed by the processor implement an internal personnel access mechanism configured to provide internal personnel with direct access to the trouble ticketing mechanism.

32. The system of claim 29, wherein the trouble ticket status information includes at least one of a trouble ticket status indicator, a problem indicator, an impacted end-user indicator, and a service provider indicator. |

Gilbert teaches provisioning of services with their corresponding end users in order to act on service provider's behalf to monitor end user's activities in a centralized location.

As per claims 26-27, Claims 26-27 are rejected for the same reasons as rejection to claims 2-3 above respectively.

As per claims 28-35, Claims 28-35 are rejected for the same reasons as rejection to claims 5-12 above respectively.

Claim 1, 4-12, 16-22, 28-35 are provisionally rejected under the judicially created doctrine of double patenting over claims 1, 6, 12, 11, 4 of copending Application No. 09-784068, in view of Gilbert US 2002/0069163 and Cogger et al. (hereinafter Cogger), US 2002/0087383. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: digital repository with trouble ticketing system operating on a third party platform, refer to chart below for similarities between the two set of claims in the above co-pending application.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Present application 09-784069	Co-pending application 09-784068
1. A trouble ticketing system of a third party for supporting multiple service providers, each having end-users connected to a common network of the third party, comprising: a digital repository populated with service provider entries including information about a first service provider of the multiple service providers and other information about a second service provider of the multiple service providers, end-user entries including information about end-users of the first service provider and other information about end-users of the second service provider, each of the end-user entries being associated with at least one of the service provider entries, and trouble ticket entries including trouble ticket information including trouble ticket status information, each of the trouble ticket entries being associated with at least one of an end-user entry and a service provider entry and corresponding to usage of the common network; a processor; and a computer readable medium encoded with processor readable instructions that when executed by the processor implement, a common provisioning mechanism configured to provision end-users to the common network and to confirm that a selected service provider of the first service provider and the second service provider is a customer of the third party prior to provisioning an end-user of the selected service provider to the common network	1. A method for expanding customer bases for data services providers, comprising the steps of: connecting a first end-user of a first data services provider to a high-speed network operated by a third party and dedicated to broadband data transport services using a common provisioning system of the third party, the high-speed network being at least one of a hybrid fiber optic coaxial network and an all-fiber optic network; connecting a second end-user of a second data services provider to the high-speed network using the common provisioning system; connecting the first end-user to a headend of the first data services provider through a common data center of the high-speed network; and connecting the second end-user to a headend of the second data services provider through the common data center of the high-speed network generating a first bill for the first data services provider by the common data center based on the first end-user's usage of the high speed network; and generating a second bill for the first data services provider by the common data center based on the second end-user's usage of the high speed network; wherein the third party, is not the first data services provider and not the second data services provider, and the first data services provider and the second data services provider each being a customer of the third party.

a <u>common trouble ticket interface mechanism</u> <u>configured to provide a single user interface for</u> <u>the first service provider and the second service</u> <u>provider to access entries in the digital repository,</u> <u>the first service provider having access to trouble</u> <u>ticket entries associated with the first service</u> <u>provider and end-user entries associated with the</u> <u>first service provider and the second service</u> <u>provider having access to trouble ticket entries</u> <u>associated with the second service provider and</u> <u>end-user entries associated with the second service</u> <u>provider, and</u> a <u>trouble ticket tracking mechanism configured to</u> <u>access and maintain trouble ticket entries in the</u> <u>digital repository.</u>	a customer billing mechanism configured to maintain billing information in the digital repository for the third party and to generate a bill for each of the multiple service providers having at least one end-user connected to the third party's common network based on usage of the common network by the service provider's respective end-users

Trouble ticketing aspect of current application is taught by Cogger, in order to have a centralized middle location to keep track of trouble ticket information.

Present application 09-784069	Co-pending application 09-784068
4. The system of claim 1, wherein the digital repository comprises a database.	6. The method of claim 1, further comprising the steps of: storing a first end-user entry in a database of the common data center corresponding to the first end-user; associating the first end-user entry with the first data services provider in the database; storing a second end-user entry in the database of the common data center corresponding to the second end-user; and associating the second end-user entry with the second data services provider in the database.

Claim 4 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784068
5. The system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services.	1. A method for expanding customer bases for data services providers, comprising the steps of: connecting a first end-user of a first data services provider to a high-speed network dedicated to broadband data transport services.....

Claim 5 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784068
6. The system of claim 5, wherein the data transport services comprise at least one of Internet access, voice over IP, and video on demand.	12. A method for reusing computer resources to provide operations support services to a plurality of Internet service providers with different customer bases, comprising the steps of: populating a digital repository with entries including information about end-users of a first Internet service provider; populating the digital repository with entries including information about end-users of a second Internet service provider, the second Internet service provider being different from the first Internet service provider; presenting a graphical user interface to the first Internet service provider when seeking to at least one of access, create, and update the information about end-users of the first Internet service provider; and presenting the graphical user interface to the second Internet service provider when seeking to at least one of access, create, and update the information about end-users of the second Internet service provider.

Claim 6 is rejected under obvious type double patenting, internet service providers provides for Internet Access

Present application 09-784069	Co-pending application 09-784068
7. The system of claim 1, wherein the common network comprises an open access network.	12. A method for reusing computer resources to provide operations support services to a plurality of Internet service providers with different customer bases, comprising the steps of: populating a digital repository with entries including information about end-users of a first Internet service provider; populating the digital repository with entries including information about end-users of a second Internet service provider, the second Internet service provider being different from the first Internet service provider; presenting a graphical user interface to the first Internet service provider when seeking to at least one of access, create, and update the information about end-users of the first Internet service provider; and presenting the graphical user interface to the second Internet service provider when seeking to at least one of access, create, and update the information about end-users of the second Internet service provider.

Claim 7 is rejected under obvious type double patenting, wherein open access network comprises Internet.

Present application 09-784069	Co-pending application 09-784068
8. The system of claim 1, wherein at least a portion of the common network comprises an Internet protocol network.	See claim 12 above

Claim 8 is rejected under obvious type double patenting, wherein open access network comprises Internet.

Present application 09-784069	Co-pending application 09-784068
9. The system of claim 1, wherein at least a portion of the common network is a hybrid fiber optic coaxial network.	1. A method for expanding customer bases for data services providers, comprising the steps of: connecting a first end-user of a first data services provider to a high-speed network dedicated to broadband data transport services, the high-speed network being at least one of a hybrid fiber optic coaxial network and an all-fiber optic network...

Claim 9 is rejected under obvious type double patenting

Present application 09-784069	Co-pending application 09-784068
10. The system of claim 1, wherein the at least one of the multiple service providers comprises an Internet service provider.	See claim 12 above

Claim 10 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784068
11. The system of claim 1, wherein at least a portion of the common network comprises a Data Over Cable Service Interface Specification network.	11. The method of claim 10, wherein at least one of the first data service provider and the second data service provider also provide cable television signals to communication lines connected to their respective headends.

Claim 11 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784068
12. The system of claim 1, wherein at least a portion of the common network comprises a European Data Over Cable Service Interface Specification network.	4. The method of claim 2, wherein: the communications plant operated by the first data services provider carry CATV signals; and the peripheral reach of the communications plant is restricted by a governmental regulatory authority.

It would have been obvious to have used European government regulated common network interface

As per claim 16-22, claims 16-22 are rejected for the same reasons as rejection to claims 5-11

respectively.

Present application 09-784069	Co-pending application 09-784068
25. <u>A computer program product, comprising: a computer storage medium; and a computer program code mechanism embedded in the computer storage medium for causing a processor to provide a common trouble ticketing capability supporting multiple service providers, each having end-users connected to a common network, the computer program code mechanism having, a first computer code device configured to maintain service provider information, end-user information, and trouble ticket status information in a database, the end-user information including an association between each end-user and at least one service provider, the trouble ticket status information including an association between each trouble ticket and at least one of an end-user and a service provider; a second computer code device configured to provide a common trouble ticket user interface for a first service provider and a second service provider to access entries in the database, the first service provider having access to trouble ticket status information associated with at least one of the first service provider and end-users of the first service provider and the second service provider having access to trouble ticket status information associated with at least one of the second service provider and end-users of the second service provider; and a third computer code device configured to maintain trouble ticket status information in the database.</u> a fourth computer code device configured to provision a first end user of the first service provider onto the common network, provision a second end user of the second service provider onto the common network, associate an end user entry corresponding to the first end user with a service provider entry corresponding to the first service provider in the digital repository and associate an end user entry corresponding to the second user with a service provider entry corresponding to the second service provider in the digital repository	7. A method for supplementing subscribership for data services of a service provider that provides at least one of CATV services and data services in first geographic area, comprising the steps of: obtaining a contract from the service provider to provide data services for an end-user, the end-user located outside of the first geographic area; provisioning the end-user for data services; storing an end-user entry in a database corresponding to the end-user; associating the end-user entry with the service provider in the database; and connecting the end-user to a communication line operated by the service provider via a high speed data network.

Cogger teaches provisioning of services with their corresponding end users in order to act on service provider's behalf in order to have central repository for keeping trouble ticketing information.

As per claims 28-35, Claims 28-35 are rejected for the same reasons as rejection to claims 5-12 above respectively.

Claim 1, 4-12, 16-23, 25-35 are provisionally rejected under the judicially created doctrine of

double patenting over claims 1, 2, 3, 4, 5, 6, 7 of copending Application No. 09-784075, in view of

Cogger et al. (hereinafter Cogger), US 2002/0087383. This is a provisional double patenting rejection

since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced

copending application and would be covered by any patent granted on that copending application since

the referenced copending application and the instant application are claiming common subject matter, as

follows: digital repository with trouble ticketing system operating on a third party platform, refer to chart

below for similarities between the two set of claims in the above co-pending application.

Furthermore, there is no apparent reason why applicant would be prevented from presenting

claims corresponding to those of the instant application in the other copending application. See *In re*

Schneller, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Present application 09-784069	Co-pending application 09-784075
1. A trouble ticketing system of a third party for supporting multiple service providers, each having end-users connected to a common network of the third party, comprising: a digital repository populated with service provider entries including information about a first service provider of the multiple service providers and other information about a second service provider of the multiple service providers, end-user entries including information about end-users of the first service provider and other information about end-users of the second service provider, each of the end-user entries being associated with at least one of the service provider entries, and trouble ticket entries including trouble ticket information including trouble ticket status information, each of the trouble ticket entries being associated with at least one of an end-user entry and a service provider entry and corresponding to usage of the common network; a processor; and a computer readable medium encoded with processor readable instructions that when executed by the processor implement, a common provisioning mechanism configured to provision end-users to the common network and to confirm that a selected service provider of the first service provider and the second service provider is a customer of the third party prior to provisioning an end-user of the selected service provider to the common network	1. A system for self-authenticating a first end-user connected to a common network and a second end-user connected to the common network, the first end-user being a customer of a first service provider of multiple service providers and the second end-user being a customer of a second service provider of multiple service providers, comprising: a digital repository populated with service provider entries including information about the first service provider and other information about the second service provider, end-user entries including information about the first end-user and other information about the second end-user, each of the end-user entries being associated with at least one service provider entry, and service description entries including information about a level of service purchased by an end-user from a service provider, each of the service description entries being associated with an end-user entry; a processor; and a computer readable medium encoded with processor readable instructions that when executed by the processor implement, a new device detection mechanism · configured to detect a new device connected to the common network, the new device being associated with one of the first end-user and the second end-user, a bandwidth allocation mechanism configured to allocate limited bandwidth on the common network to the new device and to provide access to an end-user authentication mechanism, the end-user authentication mechanism configured to obtain identification information from the one of the first end-user and the second end-user, a service determination mechanism configured to query the digital repository to determine the level of service purchased by the one of the first end-user and the second end-user from a respective one of the multiple service providers based on information obtained by the end-user authentication mechanism, a service allocation mechanism configured to provide the level of service purchased to the one of the first end-user and the second end-user authenticated by the end-user authentication mechanism.

a common trouble ticket interface mechanism configured to provide a single user interface for the first service provider and the second service provider to access entries in the digital repository, the first service provider having access to trouble ticket entries associated with the first service provider and end-user entries associated with the first service provider and the second service provider having access to trouble ticket entries associated with the second service provider and end-user entries associated with the second service provider, and a trouble ticket tracking mechanism configured to access and maintain trouble ticket entries in the digital repository.	

Cogger teaches the common trouble ticket system in order to have centralized access to the trouble tickets.

Present application 09-784069	Co-pending application 09-784075
4. The system of claim 1, wherein the digital repository comprises a database.	2. The system of claim 1, wherein the digital repository comprises a database.

Claim 4 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784075
5. The system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services.	3. The system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services.

Claim 5 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784075
6. The system of claim 5, wherein the data transport services comprise at least one of Internet access, voice over IP, and video on demand.	4. The system of claim 3, wherein the data transport services comprise at least one of Internet access, voice over IP, and video on demand.

Claim 6 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784075
7. The system of claim 1, wherein the common network comprises an open access network.	5. The system of claim 1, wherein the common network comprises an open access network.

Claim 7 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784075
8. The system of claim 1, wherein at least a portion of the common network comprises an Internet protocol network.	6. The system of claim 1, wherein at least a portion of the common network comprises an Internet protocol network.

Claim 8 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784075
9. The system of claim 1, wherein at least a portion of the common network is a hybrid fiber optic coaxial network.	7. The system of claim 1, wherein at least a portion of the common network comprises a hybrid fiber optic coaxial network.

Claim 9 is rejected under obvious type double patenting

Present application 09-784069	Co-pending application 09-784075
10. The system of claim 1, wherein the at least one of the multiple service providers comprises an Internet service provider.	8. The system of claim 1, wherein at least one of the multiple service providers comprises an Internet service provider.

Claim 10 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784075
11. The system of claim 1, wherein at least a portion of the common network comprises a Data Over Cable Service Interface Specification network.	9. The system of claim 1, wherein at least a portion of the common network comprises a Data Over Cable Service Interface Specification network.

Claim 11 is rejected under obvious type double patenting.

Present application 09-784069	Co-pending application 09-784075
12. The system of claim 1, wherein at least a portion of the common network comprises a European Data Over Cable Service Interface Specification network.	10. The system of claim 1, wherein at least a portion of the common network comprises a European Data Over Cable Service Interface Specification network.

Claim 12 is rejected under obvious type double patenting.

As per claim 16-23, claims 16-23 are rejected for the same reasons as rejection to claims 5-12

respectively.

As per claims 28-35, Claims 28-35 are rejected for the same reasons as rejection to claims 5-12 above respectively.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 25 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Computer program per se, the claimed invention is not stating that the 'computer storage medium' is a disk, for example. Note, the specification discloses 'carrier wave' or signal transmission as storage medium.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-8, 10-11, 13-19, 21-22, 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gilbert, US 2002/0069163, further in view of Cogger et al. (hereinafter Cogger), US 2002/0087383.

4.   As per claim 1, Gilbert teaches a system of a third party for supporting multiple service providers,

each having end-users connected to a common network of the third party, comprising:

However, Gilbert does not explicitly teach of a trouble ticketing system.

Cogger teaches of a trouble ticketing system ([0018]) in order to permit centralized monitoring of the

trouble tickets ([0018], [0021])

It would have been obvious to combine teachings of Gilbert and Cogger in order to permit centralized

monitoring of the trouble tickets.

a digital repository populated with service provider entries including information about a first service

provider of the multiple service providers and other information about a second service provider of the

multiple service providers ([0073]),

end-user entries including information about end-users of the first service provider and other

information about end-users of the second service provider, each of the end-user entries being associated

with at least one of the service provider entries ([0073]; item 300 Fig 6), and corresponding

to usage of the common network;

a processor ([0056]).

a computer readable medium encoded with processor readable instructions that when executed by the

processor implement ([0056]),

a common provisioning mechanism configured to provision end-users to the common network and to

confirm that a selected service provider of the first service provider and the second service provider is a

customer of the third party prior to provisioning an end user of the selected service provider to the

common network, ([0071], [0073]).

a common interface mechanism configured to provide a single user interface for the

first service provider and the second service provider to access entries in the digital repository, the first

service provider having access to entries associated with the first service provider and end-

user entries associated with the first service provider and the second service provider having access to

entries associated with the second service provider and end-user entries associated with the second service

provider ([0070], [0071], [0073]).

5.   However, Gilbert does not explicitly teach

trouble ticket entries including trouble ticket information including trouble ticket status information,

each of the trouble ticket entries being associated with at least one of an end-user entry and a service

provider entry and corresponding to usage of the common network;

a trouble ticket tracking mechanism configured to access and maintain trouble ticket entries in the

digital repository.

6.   Cogger teaches trouble ticket entries including trouble ticket information including trouble ticket

status information, each of the trouble ticket entries being associated with at least one of an end-user entry

and a service provider entry and corresponding usage of the common network ([0018], [0076], [0147]),

and

a trouble ticket tracking mechanism configured to access and maintain

trouble ticket entries in the digital repository (pg 2, [0017-0018]; pg 1, [0015]; [0152-0154]).

In order to allow users to remotely access a service provider's trouble ticketing system.

7.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Gilbert and Cogger would improve the accessibility for Vasell's system by

allowing users/ISPs to enter and keeping track of trouble tickets remotely.

8.   As per claim 2, Gilbert does not explicitly teaches the system of claim 1, wherein the common

trouble ticket interface mechanism is further configured to provide secure access to the entries in the

digital repository

Cogger teaches wherein the common trouble ticket interface mechanism is further configured to

provide secure access to the entries in the digital repository ([0060]), in order to provide proper

authentication and security to the requester.

It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Gilbert and Cogger would improve the security for Vasell's system by allowing users/ISPs to enter and keeping track of trouble tickets remotely and securely.

9.   As per claim 3, Gilbert teaches the system of claim 1, wherein the common trouble ticket interface mechanism comprises a web portal (website contains plural functions is a web portal, item 300 on Fig 6 provides plurality of functions such as billing and payment for a plurality of service providers and end users, see for example, [0073]).

10.   As per claim 4, Gilbert teaches the system of claim 1, wherein the digital repository comprises a database (item 300, Fig 6).

11.   As per claim 5, Gilbert teaches the system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services ([0073]).

12.   As per claim 6, Gilbert teaches the system of claim 5, wherein the data transport services comprise at least one of Internet access, voice over IP, and video on demand ([0073]).

13.   As per claim 7, Gilbert teaches the system of claim 1, wherein the common network comprises an open access network ([0073], wherein internet is a form of Open Access Network).

14.   As per claim 8, Gilbert teaches the system of claim 1, wherein at least a portion of the common network comprises an Internet protocol network ([0073]).

15.   As per claim 10, Gilbert teaches the system of claim 1, wherein the at least one of the multiple service providers comprises an Internet service provider ([0073]).

16.   As per claim 11, Gilbert teaches the system of claim 1, wherein at least a portion of the

common network comprises a Data Over Cable Service Interface Specification network ([0073]).

17.   As per claim 13, Gilbert teaches

provisioning a first end user of the first service provider onto the common network using a common provisioning system of the third party ([0073], item 300, Fig 6);

provisioning a second end user of the second service provider onto the common network using a common provisioning system of the third party ([0073], item 300, Fig 6);

associating an end user entry corresponding to the first end user with a service provider entry corresponding to the first provider in the digital repository ([0073], item 300, Fig 6);

associating an end user entry corresponding to the second end user with a service provider entry corresponding to the second provider in the digital repository ([0073], item 300, Fig 6);

Note, the remainder of claim 13 is rejected for the same reasons as rejection to claim 1 above.

18.   As per claim 14-15, Claims 14-15 are rejected for the same reasons as rejection to claims 2-3 above respectively.

19.   As per claim 16-19, 21-22, Claims 16-19, 21-22are rejected for the same reasons as rejection to claims 5-8, 10-11 respectively.

20.   As per claim 24, Claim 24 is rejected for the same reasons as rejection to claim 1 and 13 above.

21.   As per claim 25, Gilbert teaches a computer program product, comprising:

a computer storage medium (for rejections to computer storage medium, refer to similar section in claim 1 above); and

a computer program code mechanism embedded in the computer storage medium for causing a processor to provide a common trouble ticketing capability supporting multiple service providers, each having end-users connected to a common network, the computer program code mechanism having,

a first computer code device configured to maintain service provider information, end-user

information, in a database, the end-user information including an association between each end-user and

at least one service provider (the above section is rejected for similar reasons as rejection to claim 1

above);

a second computer code device configured to provide a common user interface for a first service

provider and a second service provider to access entries in the database, the first service provider having

access to status information associated with at least one of the first service provider and end-users of the

first service provider and the second service provider having access to status information associated with

at least one of the second service provider and end-users of the second service provider ([0070-0071],

[0073]); and

a third computer code device configured to maintain status information in the database (item 300, Fig

6; [0073]).

a fourth computer code device configured to provision a first end user of the first service provider

onto the common network, provision a second end user of the second service provider onto the common

network, associate an end user entry corresponding to the first end user with a service provider entry

corresponding to the first service provider in the digital repository and associate an end user entry

corresponding to the second user with a service provider entry corresponding to the second service

provider in the digital repository ([0073]).

22.   However, Gilbert does not explicitly teach

        trouble ticket status information

        the trouble ticket status information including an association between each trouble ticket and at least

one of an end-user and a service provider;

23.   Cogger teaches

trouble ticket status information (pg 2, [0019])

the trouble ticket status information including an association between each trouble ticket and at least

one of an end-user and a service provider (pg 2, [0018]);

In order to allow users to access remote trouble ticket system in a secure manner.

It would have been obvious to one of ordinary skill in this art at the time of invention was made to

combine the teaching of Vasell and Cogger in order to allow users to remotely access the trouble ticketing

system in a secure manner.

24.   As per claims 26-27, Claims 26-27 are rejected for the same reasons as rejection to claims 2-3

above respectively.

25.   As per claims 28-35, Claims 28-35 are rejected for the same reasons as rejection to claims 5-12

above respectively.

26.   Claims 9, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibert US

2002/0069163, in view of Cogger et al. (hereinafter Cogger), US 2002/0087383, further in view of

Sistanizadeh et al. (hereinafter Sistanizadeh), US 6,101,182.

27.   As per claim 9, Gilbert does not teach hybrid fiber optic and coaxial network.

Sistanizdeh teaches a hybrid fiber optic and coaxial network (Col. 3, lines 15-40), for improvement of

speed.

It would have been obvious to one of ordinary skill in this art at the time of invention was made to

combine the teaching of Vasell, Gogger and Sistanizdeh in order to improve speed and provide a greater

range of transportation.

28.   As per claims 20, claims 20 is rejected for the same reasons as rejection to claim 9 above.

29.   Claims 12, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibert US

2002/0069163, in view of Gogger et al. (hereinafter Gogger), US 2002/0087383, further in

view of 'Official Notice'

30.   As per claim 12, Vasell does not teach the system of claim 1, wherein at least a portion of the

common network comprises a European Data Over Cable Service Interface Specification network.

However, "Official Notice" is taken that the concept and advantages of providing for a European Data

Over Cable Service Interface Specification network transportation purposes in another countryis well

known and expected in the art. It would have been obvious to one of ordinary skill in the art to include

European Data Over Cable Service Interface Specification network because it would provide for other

modes of operation in other countries/territories.

31.   As per claim 23, claim 23 is rejected for the same reasons as rejection to claim 12 above.

Conclusion

32.   Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of

the new ground(s) of rejection.

THIS ACTION IS MADE FINAL. Applicant is reined of the extension of time policy as set

forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

39.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents and publications are cited to further show the state of the art with respect to

"System method and computer program product for supporting multiple service providers with a trouble

ticket capability".

i.	US 6101182	Sistanizadeh et al.
ii.	US 6636502	Lager et al.
iii.	US 6662233	Skarpness et al.
iv.	US 6496575	Vasell et al.
v.	US 6430175	Jennings et al.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be

reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization

where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

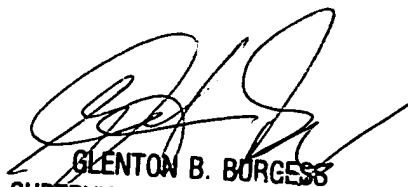from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

CZ
February 27, 2005

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100